

SENATE NO. 1002

AN ACT TO PREVENT HARRASSMENT

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. This act may be cited as the Harassment Prevention Orders Act. The General
2 Laws are hereby amended by inserting after section 46 in chapter 265 the following section:-
3
4 Section 47.

HARRASSMENT PREVENTION ORDERS

5 Section 1. Definitions. In this chapter, the following words shall have the following
6 meanings:

7 “Court”, the Superior, District, Boston Municipal, or Juvenile court departments of the
8 trial court.

9 “Harassment”, the occurrence of one or more of the following: (a) willfully and
10 maliciously engaging in conduct or acts directed at a specific person, which seriously alarms
11 that person and would cause a reasonable person to suffer emotional distress; or (b) causing
12 another to engage involuntarily in sexual conduct; or (c) causing another to engage involuntarily
13 in sexual conduct by force, threat, or duress, included but not limited to, incapacitation through
14 chemical restraint, drugs or intoxication; or (d) engaging in the enticement of a child under the
15 age of 16 under the provisions of chapter 265 section 26C of the Massachusetts General Laws.

16 “Harassment Prevention Orders”, an order or emergency order granted under this chapter.

17 “Involuntarily”, a lack of freely given consent.

18 “Law officer”, any officer authorized to serve criminal process.

19 “Petitioner”, any named petitioner for a Harassment Prevention Order or any named
20 victim of harassment on whose behalf the petition is brought.

21 “Protection order issued by another jurisdiction”, any injunction or other order issued
22 by a court of another state, territory, or possession of the United States, the commonwealth of
23 Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of
24 preventing violent or threatening acts or harassment against, or contact or communications with,
25 or physical proximity to a victim of harassment, including temporary and final orders issued by
26 civil and criminal courts filed by or on behalf of a person seeking protection.

27 “Sexual Conduct” any intentional or knowing touching or fondling, either directly or
28 through clothing, of the sex organs, anus or breast, or any part of the body, or any transfer or
29 transmission of semen upon any part of the clothed or unclothed body, for the purpose of sexual
30 gratification or arousal; OR any contact, however slight, between the sex organ or anus of one
31 person by an object, the sex organ, mouth or anus of another person, or any intrusion, however
32 slight, of any part of the body of one person or object into the sex organ or anus of another,
33 including but not limited to cunnilingus, fellatio or anal penetrations. Evidence of emission of
34 semen is not required to prove sexual conduct.

35 “Victim”, any person who suffers harassment, without the need of a report of the offense
36 to the police or the issuance of a complaint or indictment.

37 Section 2. Venue. Proceedings under this chapter shall be filed, heard and determined
38 in the Superior, District, Boston Municipal or Juvenile (if the petitioner or respondent is a

39 juvenile) court departments of the trial court having venue over where: (1) the petitioner
40 resides; (2) the respondent resides; or (3) the alleged harassment occurred.

41 Section 3. Persons Protected By This Act. A petition for a Harassment Prevention
42 Order may be filed:

- 43 (1) by any person who is a victim of harassment; or
44 (2) by a person on behalf of a minor child or an adult who is a victim of
45 harassment but, because of age, disability, and health cannot file the petition.

46 Section 4. Remedies; Period of Relief. (a) A petitioner may file a petition requesting
47 protection including, but not limited to, the following orders:

- 48 (1) ordering the respondent to refrain from attempting to cause or causing physical
49 harm or harassment of the petitioner, whether the petitioner is an adult or minor;
50 (2) ordering the respondent to refrain from contacting the petitioner, either directly or
51 indirectly, unless authorized by the court, whether the petitioner is an adult or minor;
52 (3) ordering the respondent to stay away from the petitioner, the petitioner's household,
53 multiple family dwelling and workplace; or
54 (4) ordering the respondent to pay the petitioner monetary compensation for the losses
55 suffered as a direct result of such harassment. Compensatory loss shall include, but not
56 be limited to, loss of earnings, out-of-pocket losses for injuries sustained, replacement
57 costs for locks or personal property removed or destroyed, medical costs, moving
58 expenses, cost for obtaining an unlisted telephone number and reasonable attorney's
59 fees.

60 (b) Any relief granted by the court shall be for a fixed period of time not to exceed 1
61 year. Every order shall on its face state the time and date the order is to expire. If the petitioner

62 appears at the court on or before the close of business on the date the order is to expire, the court
63 shall determine whether or not to enter a permanent order, or to extend the order for another
64 period of time reasonably necessary to prevent future harassment or intimidation of the
65 petitioner by the respondent, or contact between the petitioner and the respondent. When the
66 expiration date stated on the order is on a weekend day or holiday, or a date when the court is
67 closed to business, the order shall not expire until the close of business on the next date that the
68 court is open to business. The petitioner may appear on such next court business day to request
69 that the order be extended. At a hearing to extend the order for such additional time, the court
70 shall consider the totality of the circumstances. The fact that harassment or contact between the
71 parties has not occurred during the pendency of an order shall not, in itself, constitute sufficient
72 ground for denying or failing to extend the order, or allowing an order to expire or be vacated,
73 or for refusing to issue a new order.

74 (c) The court may modify its order at any subsequent time upon motion by
75 either party. When the petitioner's address is inaccessible to the respondent, as provided in
76 section 8, and the respondent has filed a motion to modify the court's order, the court shall be
77 responsible for notifying the petitioner. In no event shall the court disclose any such confidential
78 address.

79 (d) A court shall not deny any petition filed under this chapter solely because it was not
80 filed within a particular time period after the last alleged incident of harassment.

81 Section 5. Commencement of action; filing fees. (a) An action for a Harassment
82 Prevention Order is commenced:

(1) independently, by filing a Harassment Prevention Order petition in any court, and shall not be contingent upon reporting the alleged harassment to a law enforcement agency nor shall it be contingent upon prosecuting such case criminally; or

(2) in conjunction with a delinquency petition or a criminal prosecution for the same act, by filing a petition for a Harassment Prevention Order under the same case number as the delinquency petition or criminal prosecution and treated as a civil and separate matter, to be granted during pre-trial release of a respondent, with any dispositional order issued under section 58 of chapter 119, or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole, or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant, provided that (i) the violation is alleged in an information, petition, indictment, or delinquency petition on file and the alleged victim is a person that may be afforded protection under this chapter, and (ii) the petition, which is filed by the district attorney, names a victim of the alleged crime as a petitioner.

(b) Withdrawal or dismissal of any petition for a Harassment Prevention Order prior to adjudication shall operate as a dismissal without prejudice.

(c) Any action commenced under the provisions of this chapter shall not preclude any other civil or criminal remedies. Dismissal of the delinquency petition or criminal prosecution for the same act, or a finding of not guilty, shall not require dismissal of the action for a Harassment Prevention Order.

(d) No filing fee shall be charged by the clerk of the court for the filing of the petition. Neither the petitioner nor the petitioner's attorney shall be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of petitioner's copies.

106 Section 6. Form of complaint; promulgation. The chief justices for Administration and
107 Management, in consultation with the chief justices of the Superior, District, Boston Municipal
108 or Juvenile court departments shall promulgate a form of petition for use under this chapter
109 which shall be in such form and language to permit a petitioner to prepare and file such petition
110 pro se.

111 Section 7. Pleading; confidentiality of records. (a) A petition for a Harassment
112 Prevention Order shall be in writing and verified or accompanied by affidavit and shall allege
113 that the petitioner has been the victim of harassment and there exists a substantial likelihood of
114 immediate danger of harassment.

115 (b) The records of cases arising out of an action brought under this chapter where the
116 petitioner or respondent is a minor shall be withheld from public inspection except by order of
117 the court; provided, that such records shall be open, at all reasonable times, to the inspection of
118 the minor, said minor's parent, guardian, attorney, and to the petitioner and the petitioner's
119 attorney, or any of them.

120 (c) The petitioner's cellular telephone number, residential address, residential telephone
121 number and workplace name, address and telephone number, contained within the court records
122 of cases arising out of an action brought by a petitioner under this chapter, shall be confidential
123 and withheld from public inspection at all times, except by order of the court and pursuant to the
124 provisions of chapter 265 section 24C of the general laws. All confidential portions of the
125 records shall be accessible at all reasonable times to the petitioner and petitioner's attorney, to
126 others specifically authorized by the petitioner to obtain such information, and to prosecutors,
127 victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as
128 defined in section 20J of chapter 233, and law enforcement officers, if such access is necessary

129 in the performance of their duties. This paragraph shall apply to any protection order issued by
130 another jurisdiction that is filed with a court of the commonwealth pursuant to section 14. Such
131 confidential portions of the court records shall not be deemed to be public records under Clause
132 Twenty-sixth of section 7 of chapter 4.

133 (d) Upon the filing of a petition under this chapter, the court may enter such temporary
134 orders as it deems necessary to protect a petitioner from further contact by the respondent. Such
135 relief shall not be contingent upon reporting the alleged harassment to a law enforcement
136 agency nor shall it be contingent upon prosecuting such case criminally nor may the court
137 consider such factors in rendering its decision.

138 (e) In any proceeding to obtain a Harassment Prevention Order, a petitioner must
139 establish by a preponderance of the evidence that he/she is a victim of harassment and that there
140 is a substantial likelihood of immediate danger of harassment.

141 (f) If the court finds reasonable grounds to believe that the petitioner is the victim of
142 harassment and there is a substantial likelihood of immediate danger of harassment, the court
143 may enter such temporary relief orders without notice as it deems necessary to protect the
144 petitioner from harassment and shall immediately thereafter notify the respondent that the
145 temporary orders have been issued. The court shall give the respondent an opportunity to be
146 heard on the question of continuing the temporary order and of granting other relief as requested
147 by the petitioner no later than 10 court business days after such orders are entered. It is
148 recommended that all such hearings be conducted at sidebar.

149 Notice shall be made by the appropriate law enforcement agency as provided in section
150 9.

151 If the respondent does not appear at such subsequent hearing, the temporary orders shall
152 continue in effect without further order of the court.

153 Section 8. Hearing. When a petitioner seeks relief under sections 3, 4, 7, or 10, it is
154 recommended that any such hearing be heard at sidebar in order to protect the petitioner's
155 privacy. The rules of evidence do not apply. If the petitioner is a minor, or the application is
156 filed on behalf of a minor, it is recommended that the hearing be closed to the public as in
157 juvenile proceedings.

158 Section 9. Harassment Prevention Order; record search; service of order; enforcement;
159 violations. An order under this statute shall also be filed in the Statewide Domestic Violence
160 Record Keeping System. When considering a petition filed under this chapter, a judge shall
161 cause a search to be made of the records contained within the Statewide Domestic Violence
162 Record Keeping System maintained by the office of the commissioner of probation and shall
163 review the resulting data to determine whether the named respondent has a civil or criminal
164 record involving domestic or other violence. Upon receipt of information that an outstanding
165 warrant exists against the named respondent, a judge shall order that the appropriate law
166 enforcement officials be notified and shall order that any information regarding the respondent's
167 most recent whereabouts shall be forwarded to such officials. In all instances where an
168 outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as
169 to whether a substantial likelihood of immediate danger of harassment to the petitioner exists. In
170 all instances where a substantial likelihood of immediate danger of harassment is found to exist,
171 the judge shall notify the appropriate law enforcement officials of such finding and such
172 officials shall take all necessary actions to execute any such outstanding warrant as soon as is
173 practicable.

174 Whenever the court orders under this chapter that an order from this jurisdiction and /or
175 another jurisdiction become effective in the Commonwealth and that the respondent refrain
176 from harassing the petitioner or have no contact with the petitioner, the clerk-magistrate shall
177 transmit 2 certified copies of each such order and 1 copy of the petition and summons forthwith
178 to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall
179 serve 1 copy of each order upon the respondent, together with a copy of the petition, order and
180 summons and notice of any suspension or surrender ordered pursuant to section 12. The law
181 enforcement agency shall promptly make its return of service to the court.

182 Law enforcement officers shall use every reasonable means to enforce such Harassment
183 Prevention Orders. Law enforcement agencies shall establish procedures adequate to insure that
184 an officer on the scene of an alleged violation of such order may be informed of the existence
185 and terms of such order. The court shall notify the appropriate law enforcement agency in
186 writing whenever any such order is vacated and shall direct the agency to destroy all record of
187 such vacated order and such agency shall comply with that directive.

188 Each Harassment Prevention Order issued shall contain the following statement:

189 VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

190 Any violation of such order or a protection order issued by another jurisdiction shall be
191 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years
192 in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu
193 of, the forgoing penalties and any other sentence, fee or assessment, including the victim
194 witness assessment as provided in section 8 of chapter 258B, the court shall order persons
195 convicted of violating a provision of this chapter an additional assessment of \$25 that shall be
196 transmitted to the treasurer for deposit into the General Fund.

197 In each instance of a violation of a Harassment Prevention Order or a protection order
198 issued by another jurisdiction, the court may order the respondent to pay the petitioner for all
199 damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries
200 sustained, replacement costs for locks or personal property removed or destroyed, medical costs,
201 moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's
202 fees.

203 Any such violation may be enforced in the superior, district, Boston municipal or
204 juvenile (if the petitioner or respondent are juveniles) court departments. Criminal remedies
205 provided herein are not exclusive and do not preclude any other available civil or criminal
206 remedies. The superior, district, Boston municipal or juvenile court departments may each
207 enforce by civil contempt procedure a violation of its own court order.

208 The provisions of section eight of chapter one hundred and thirty six shall not apply to
209 any order, complaint or summons issued pursuant to this section.

210 Section 10. Granting of relief when court is closed; certification. When the court is closed
211 for business or the petitioner is unable to appear in court because of severe hardship due to the
212 petitioner's physical condition, any justice of the Superior, District, Boston Municipal, or
213 Juvenile (if the petitioner or respondent are juveniles) court departments may grant relief to the
214 petitioner as provided under section 8 if the petitioner has been a victim of harassment and
215 demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of
216 the justice, such relief may be granted and communicated by telephone to an officer or
217 employee of an appropriate law enforcement agency, who shall record such order on a form of
218 order promulgated for such use by the Chief Justice for Administration and Management and
219 shall deliver a copy of such order on the next court day to the clerk-magistrate of the court

220 having venue and jurisdiction over the matter. If relief has been granted without the filing of a
221 petition pursuant to this section, the petitioner shall appear in court on the next available
222 business day to file said petition. If the petitioner in such a case is unable to appear in court
223 without severe hardship due to the petitioner's physical condition, then a representative may
224 appear in court on the petitioner's behalf and file the requisite petition with an affidavit setting
225 forth the circumstances preventing the petitioner from appearing personally. Notice to the
226 petitioner and respondent and an opportunity for the respondent to be heard shall be given as
227 provided in section 7.

228 Any order issued under this section and any documentation in support thereof shall be
229 certified on the next court day by the clerk-magistrate of the court issuing such order to the
230 court having venue and jurisdiction over the matter. Such certification to the court shall have the
231 effect of commencing proceedings under this chapter and invoking other provisions of this
232 chapter but shall not be deemed necessary for an emergency order issued under this section to
233 take effect.

234 Section 11. Order for suspension and surrender of firearms license; surrender of
235 firearms; petition for review; hearing. Upon issuance of a temporary or emergency order under
236 sections 7 or 10, the court shall, if the petitioner demonstrates a substantial likelihood of
237 immediate danger of harassment, order the immediate suspension and surrender of any license
238 to carry firearms and or firearms identification card which the respondent may hold and order
239 the respondent to surrender all firearms, rifles, shotguns, machine guns and ammunition which
240 the respondent then controls, owns or possesses in accordance with the provisions of this
241 chapter and any license to carry firearms or firearms identification cards which the respondent
242 may hold shall be surrendered to the appropriate law enforcement officials in accordance with

243 the provisions of this chapter and, said law enforcement official may store, transfer or otherwise
244 dispose of any such weapon in accordance with section 129D of chapter 140; provided however,
245 that nothing herein shall authorize the transfer of any weapons surrendered by the respondent to
246 anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be
247 appended to the copy of Harassment Prevention Order served on the respondent pursuant to
248 section 7. Law enforcement officials, upon the service of said orders, shall immediately take
249 possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry
250 firearms and any firearms identification cards in the control, ownership, or possession of said
251 respondent. Any violation of such orders shall be punishable by a fine of not more than \$5,000,
252 or by imprisonment for not more than 2 1/2 years in a house of correction, or by both such fine
253 and imprisonment.

254 Any respondent aggrieved by an order of surrender or suspension as described in the
255 first sentence of this section may petition the court which issued such suspension or surrender
256 order for a review of such action and such petition shall be heard no later than 10 court business
257 days after the receipt of the notice of the petition by the court. If said license to carry firearms or
258 firearms identification card has been suspended upon the issuance of an order issued pursuant to
259 sections 7 or 10, said petition may be heard contemporaneously with the hearing specified in
260 section 7. Upon the filing of an affidavit by the respondent that a firearm, rifle, shotgun,
261 machine gun or ammunition is required in the performance of the respondent's employment, and
262 upon a request for an expedited hearing, the court shall order said hearing within 2 business
263 days of receipt of such affidavit and request but only on the issue of surrender and suspension
264 pursuant to this section.

265 Section 12. Continuation or modification of order for surrender or suspension. Upon the
266 continuation or modification of an order issued pursuant to section 8, or upon petition for
267 review as described in section 11, the court shall also order or continue to order the immediate
268 suspension and surrender of a respondent's license to carry firearms, including a Class A or
269 Class B license, and firearms identification card and the surrender of all firearms, rifles,
270 shotguns, machine guns or ammunition which such respondent then controls, owns or possesses
271 if the court makes a determination that the return of such license to carry firearms, including a
272 Class A or Class B license, and firearm identification card or firearms, rifles, shotguns, machine
273 guns or ammunition presents a likelihood of harassment to the petitioner. A suspension and
274 surrender order issued pursuant to this section shall continue so long as the protection order to
275 which it relates is in effect; and, any law enforcement official to whom such weapon is
276 surrendered may store, transfer or otherwise dispose of any such weapon in accordance with
277 section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer
278 of any weapons surrendered by the respondent to anyone other than a licensed dealer. Any
279 violation of such order shall be punishable by a fine of not more than \$5,000 or by
280 imprisonment for not more than 2 ½ years in a house of correction or by both such fine and
281 imprisonment.

282 Section 13. Protection order issued by another jurisdiction; enforcement; filing;
283 presumption of validity. Any protection order issued by another jurisdiction shall be given full
284 faith and credit throughout the commonwealth and enforced as if it were issued in the
285 commonwealth for as long as the order is in effect in the issuing jurisdiction.

286 A person entitled to protection under a protection order issued by another jurisdiction
287 may file such order in the Superior, District, Boston Municipal, or Juvenile (if the petitioner or

288 respondent are juveniles) court departments by filing with the court a certified copy of such
289 order which shall be entered into the Statewide Domestic Violence Record Keeping System
290 pursuant to section 10. Such person shall swear under oath in an affidavit, to the best of such
291 person's knowledge that such order is presently in effect as written. Upon request by a law
292 enforcement agency, the clerk of such court shall provide a certified copy of the protection
293 order issued by the other jurisdiction.

294 A law enforcement officer may presume the validity of, and enforce in accordance with
295 section 9, a copy of a protection order issued by another jurisdiction which has been provided to
296 the law enforcement officer by any source; provided, however, that the officer is also provided
297 with a statement by the person protected by the order that such order remains in effect. Law
298 enforcement officers may rely on such statement by the person protected by such order and
299 cannot be subjected to civil or criminal liability so long as they have acted in good faith reliance
300 upon the representations.

301 Section 14. Powers of police. Whenever any law officer has reason to believe that an
302 individual has been harassed or is in danger of being harassed, such officer shall use all
303 reasonable means to prevent further harassment. The officer shall take, but not be limited to the
304 following action:

305 (1) remain on the scene of where said harassment occurred or was in danger of
306 occurring as long as the officer has reason to believe that at least one of the parties involved
307 would be in immediate physical danger without the presence of a law officer. This shall include,
308 but not be limited to remaining in the dwelling for a reasonable period of time;

309 (2) assist the victim in obtaining medical treatment necessitated by the harassment,
310 which may include driving the victim to the emergency room of the nearest hospital, or

311 arranging for appropriate transportation to a health care facility, notwithstanding any law to the
312 contrary. If possible, the officer shall take the victim of a sexual assault to a location where a
313 sexual assault nurse examiner is present. The officer shall consider the victim's preference in
314 this regard and what is reasonable under all the circumstances;

315 (3) assist the victim in locating and getting to a safe place including, but not limited to, a
316 designated meeting place for a shelter or a family member or friend's residence;

317 (4) give such person immediate and adequate notice of his or her rights. Such notice
318 shall consist of handing said person a copy of the statement that follows below and reading the
319 same to said person. If said person's native language is not English, the statement shall be then
320 provided in said person's native language whenever possible.

321 "You have the right to appear at the Superior, District, Boston Municipal, or Juvenile (if
322 the petitioner or respondent is a juvenile) court, if you reside within the appropriate jurisdiction,
323 and file a petition requesting any of the following applicable orders: (a) an order directing your
324 attacker to refrain from contacting you, an order directing your attacker to stay away from you,
325 your dwelling and your workplace; and (b) an order directing your attacker to pay you for losses
326 suffered as a result of the harassment including, but not limited to, loss of earnings, out-of-
327 pocket losses for injuries sustained, replacement costs for locks or personal property removed or
328 destroyed, medical costs, moving expenses, cost for obtaining an unlisted telephone number
329 and reasonable attorney's fees.

330 Initiation of a petition under this statute is not contingent upon going forward with a
331 criminal proceeding nor is it contingent upon ongoing cooperation with law enforcement.

332 For an emergency on weekends, holidays, or weeknights the police will refer you to a
333 justice of the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent is
334 a juvenile) court departments.

335 You have the right to go to the appropriate Superior, District, Boston Municipal, or
336 Juvenile (if the petitioner or respondent is a juvenile) court and seek a criminal complaint for
337 related offenses.

338 If you are in need of medical treatment, you have the right to request that an officer
339 present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.
340 If you are the victim of sexual assault and if possible, the officer shall take you to a location
341 where a sexual assault nurse examiners is present. The officer shall consider your preference in
342 this regard and what is reasonable under all the circumstances.

343 If you believe that police protection is needed for your physical safety, you have the
344 right to request that the officer present remain at the scene until you can leave or until your
345 safety is otherwise ensured. You may also request that the officer assist you in locating and
346 taking you to a safe place, including but not limited to a designated meeting place for a shelter
347 or a family member's or a friend's residence, or a similar place of safety.

348 You may request a copy of the police incident report at no cost from the police
349 department."

350 The officer shall leave a copy of the foregoing statement with such person before
351 leaving the scene or premises.

352 (5) assist such person by activating the emergency judicial system when the court is
353 closed for business;

354 (6) inform the victim that the assailant will be eligible for bail and may be promptly
355 released; and

356 (7) arrest any person a law officer witnesses or has probable cause to believe has
357 violated a temporary or permanent Harassment Prevention Order or judgment issued. When
358 there are no Harassment Prevention Orders or judgments in effect, arrest shall be the preferred
359 response whenever an officer witnesses or has probable cause to believe that a person:

360 (a) has committed a felony; or

361 (b) has committed a misdemeanor involving harassment as defined in section one of this
362 chapter

363 (c) has committed an assault and battery that involved harassment

364 The safety of the victim shall be paramount in any decision to arrest. Any officer
365 arresting both parties must submit a detailed, written report in addition to an incident report,
366 setting forth the grounds for dual arrest.

367 No law officer investigating an incident of harassment shall threaten, suggest, or
368 otherwise indicate the arrest of all parties for the purpose of discouraging requests for law
369 enforcement intervention by any party.

370 No law officer shall be held liable in any civil action regarding personal injury or injury
371 to property brought by any party to a harassment incident for an arrest based on probable cause
372 when such officer acted reasonably and in good faith and in compliance with this chapter.

373 Whenever any law officer investigates an incident of harassment, the officer shall
374 immediately file a written incident report in accordance with the standards of the officer's law
375 enforcement agency and, wherever possible, in the form of the National Incident-Based
376 Reporting System, as defined by the Federal Bureau of Investigation. The latter information

377 may be submitted voluntarily by the local police on a monthly basis to the crime-reporting unit
378 of the criminal history systems board.

379 The petitioner shall be provided a copy of the full incident report at no cost upon request
380 to the appropriate law enforcement department.

381 When a judge or other person authorized to take bail grants bail for any person arrested
382 under this chapter, he shall make reasonable efforts to inform the petitioner of such release prior
383 to or at the time of said release.

384 When any person charged with or arrested for a crime involving harassment under this
385 chapter is released from custody, the court or the emergency response judge shall issue, upon
386 the request of the petitioner, a written no contact order prohibiting the person charged or
387 arrested from having any contact with the petitioner, either directly or indirectly, and shall use
388 all reasonable means to notify the petitioner immediately of release from custody. The petitioner
389 shall be given at no cost a certified copy of the no contact order.

390 -As of December 2, 2005